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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,250	10/17/2005	Hiroshi Kase	00005.001217.PC	6976

5514 7590 05/10/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

CLAYTOR, DEIRDRE RENEE

ART UNIT	PAPER NUMBER
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1617

MAIL DATE	DELIVERY MODE
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05/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,250

Applicant(s)

KASE ET AL.

Examiner

Renee Claytor

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7-38 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,7-19,22 and 25-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,21,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's election of Group II and the specie (E)-8-(3,4-dimethoxystyryl)-1,3-diethyl-7-methylxanthine in the reply filed on 4/24/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 20-21 and 23-24 are being examined on their merits herein. Claim 22 is withdrawn from consideration as it does not read on the elected species. Claims 20-21 and 23-24 are being examined to the extent that they read on the elected species.

Claim Rejections – 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grzelak et al. (US PG-Pub 2006/0128694) in view of Matsuoka (EP 1 177 797).

Grzelak et al. teach A_{2a} antagonists corresponding to formula (I), including the elected species, of the present application. Compound X of the Grzelak et al. reference corresponds to the elected species (E)-8-(3,4-dimethoxystyryl)-1,3-diethyl-7-

methylxanthine when R^1 and R^2 are ethyl; R^3 is lower alkyl and R^4 is $-(CH_2)_n-R^5$ (paragraphs 0177 and 0178). These A_{2a} antagonists are useful in the treatment of Extra-Pyramidal Syndrome (akathisia, pseudoparkinsonism and tardive dyskensia), of which these symptoms are all associated with Parkinson's disease (paragraph 0009).

Grzelak et al. does not specify that the A_{2a} antagonists treat anxiety.

Matsuoka et al teach A_{2a} antagonists of the same basic core structure as formula (I) of the present claims (see page 16, formula III). Matsuoka et al. further teach that the A_{2a} antagonists are used to treat symptoms of Parkinson's disease, including anxiety (paragraph 0007).

Accordingly, one would be motivated to combine the teachings of Grzelak et al., which teach that (E)-8-(3,4-dimethoxystyryl)-1,3-diethyl-7-methylxanthine is an A_{2a} antagonist that treats Parkinsonian symptoms such as akathisia and tardive dyskensia, with the teachings of Matsuoka et al. which teach that A_{2a} antagonists with the same core structure of the present claims, is useful in treating anxiety in Parkinson's patients. Because the patient population overlaps in that both sets of patients in the prior art references have similar Parkinson's extrapyramidal effects, and a symptom of Parkinson's disease includes anxiety as taught by Matsuoka et al., one would be motivated to use (E)-8-(3,4-dimethoxystyryl)-1,3-diethyl-7-methylxanthine to treat anxiety because Grzelak et al teaches this compound as a treatment for symptoms of Parkinson's.

Conclusion

No claims are allowed.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renee Claytor whose telephone number is 571-272-8394. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Renee Claytor


SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER